

April 23, 2013

Charlene Dwin Vaughn  
Assistant Director  
Federal Permitting, Licensing, and Assistance Section  
Advisory Council on Historic Preservation  
1100 Pennsylvania Avenue, NW  
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RE: Determination of Eligibility  
VDOT Project: Rte 29 Charlottesville Bypass (Project No.: 0029-002-844, P101;  
UPC 102419) VDHR File: 1990-396F County: Albemarle  
Funding: Federal

Dear Ms. Vaughn:

I write on behalf of direct and collateral descendants (of which I am one) of the persons interred in the cemetery established on the property of Jesse Scott Sammons in Albemarle County, Virginia. I ask that the Advisory Council on Historic Preservation (ACHP) request the intervention of the Department of the Interior, National Park Service (NPS) Keeper of the National Register on Historic Places (NRHP) to evaluate whether the Jesse Scott Sammons Farmstead (comprising a home at 1975 Lambs Road, and a family cemetery on a parcel at 1981 Lambs Road) meet the criteria for eligibility for the register.

I have analyzed the responses to the March 25, 2013 Cultural Resources, Inc. Revised report on the Sammons properties that the Virginia Department of Historic Resources (VDHR) requested from the Virginia Department of Transportation (VDOT) consultant performing the Section 106 review of these parcels. I have also assessed the interpretations of these documents and other comments offered by the staff members of both VDOT and VDHR, and I am increasingly concerned that the Sammons properties (among others in the right of way of the proposed Western Bypass Corridor) cannot receive fair consideration by any agency under the aegis of the Commonwealth of Virginia. I have previously sent (by electronic carbon copy) extended comments and concerns to the ACHP (see letters dated February 15, 2013, and April 2, 2013) and incorporate by way of reference those previous critiques into this letter.

This document provides a final set of thoughts regarding the revised CRI Report on the Jesse Scott Sammons Homestead—a property that once comprised nearly 28 acres, included the “family burial ground” and the Sammons house, and was owned by the Sammons family for more than fifty years—and on the Section 106 review process to date. In addition to concerns previously raised about the lack of notice regarding the cemetery and other agency failures to follow procedures for the review of properties

potentially eligible for the NRHP list, these observations provide a further response to the CRI Revised Report itself. But they also reflect a growing conviction on the part of the Sammons descendants that the relevant state agencies involved in this assessment have long since arrived at the result they wish to reach. Indeed these actors appear to have been molding the historical and archaeological interpretation to fit that result. I will raise six points.

### **Failure to Consult Expert Academic Historians**

CRI and VDOT have thus far proceeded as if the complicated questions of context, causation, and interpretation at issue here can be treated and resolved largely as archaeological or quasi-architectural matters. But there is an important difference between history and archaeology. Where are the historians whose expertise should weigh in on this matter? The revised report, like its predecessor, is devoid of serious engagement or consultation with leading professional historians in the fields of nineteenth-century African-American and Southern history. In making this observation, it should be clear that I intend no disrespect towards the few historian scholars CRI has thus far consulted, in part because one of those distinguished scholars, Lucia (“Cinder”) Stanton, has herself refuted (in her letter of April 9, 2013) CRI’s claim to have meaningfully consulted with her on this matter. CRI has drawn in limited respects on the work of the Central Virginia History Researchers (CVHR). But where is the evidence that CRI has engaged with the expertise of such scholars in the field as Stephen Hahn of the University of Pennsylvania, author of *A Nation Under Our Feet: Black Political Struggles in the Rural South from Slavery to the Great Migration*? Hahn’s book won the Bancroft Prize, arguably the leading award in the field of American history, which cannot be an irrelevant consideration, especially since CRI faults both Jesse Scott Sammons and Dr. George Ferguson (also buried in the cemetery) for failing to win any prizes in their own day. Did anyone at CRI communicate with UVA’s nearby expert in the history of nineteenth-century African-American life in Virginia, Dr. Kirt von Daacke, author of the *Freedom Has a Face: Race, Identity, and Community in Jefferson’s Albemarle, 1780-1865* (University of Virginia Press)? Like Stanton’s body of work, von Daacke’s book offers extensive commentaries on several of the Sammons direct ancestors (the Scotts, Bells, and Hemingses), in the context of the racial politics of that time. CRI seems also to have overlooked several other scholars whose research is relevant: Dr. Edward Ayers, one of the country’s leading historians of the nineteenth-century south at the University of Richmond; Jane Dailey of the University of Chicago, author of *Before Jim Crow: The Politics of Race in Postemancipation Virginia* (University of North Carolina Press, 2000); and Professor Hahn’s former student Dr. Harold Forsythe, who wrote his Ph.D. dissertation about African-Americans in nineteenth-century Virginia. These scholars are some examples of professional, academic researchers whose views about the historical significance of the Sammons Homestead (and of the lives of those interred in the Sammons cemetery) CRI has completely overlooked.

The question here, however, is not simply whether these or other experts “recognize” the Sammons and Ferguson names. The issue is who possesses the requisite expertise to decide what the relevant context is for understanding the significance of



Jesse S. Sammon's life and the individuals associated with him. It is, after all, the National Register of Historic Places we are talking about, and the NRHP guidelines refer throughout to issues of historical significance. There is a reason we have a community of professional academic historians in this country: scholars who devote substantial portions of their professional lives to the study of particular places, time periods, persons, events, etc. This work takes years of painstaking research and interpretation/reconstruction. History is not just a set of bare facts about what happened in the past that anyone can trot out based on a few days or weeks of digging in a library or archive and present as a definitive portrait of an era or of a family. (What backgrounds do the authors of the CRI revised report have in African American Studies of any kind or in 19<sup>th</sup> century southern history? What expertise, furthermore, do they have in the archeology of African American properties?)

The National Park Service presents ethnographic methods as integral to the identification and analysis of cultural resources and especially those belonging to persons of African descent (see <http://www.nps.gov/ethnography/aah/aaheritage/ERCb.htm>). In the same way that the discipline of history requires serious and sustained work, ethnographic research in sociocultural anthropology requires thorough fieldwork and analysis grounded in a rigorous understanding of both social theory and the histories of any context under study. The qualitative field methods heretofore employed by CRI to assess the significance of the Sammons properties have been sorely lacking. Furthermore, archaeologist Steven Thompson, a UVA-trained Ph.D., has also questioned the adequacy of the archaeological methods employed to identify cultural resources in the initial and current survey of the Western Bypass Project. His concerns raise questions of whether the Section 106 review process is lowering the bar for the standards of evaluation of the cultural and material resources that once belonged to persons of color, while simultaneously raising the bar that the Sammons properties, the persons associated with them, as well as other parcels currently in the Right of Way, are expected to meet to be considered eligible for the NRHP. Such processes are unfair, and the double standard applied can be interpreted as racist.

#### **The Historical, Cultural, and Material Context that CRI Does Provide is Superficial and Dismissive**

Instead of seeking the direct input of the leading professional scholars of this time, place, space, and community, CRI purports to substitute its own superficial rendition of the relevant context. The amateurism of this effort is everywhere apparent and must be called out at this stage of the Section 106 review process. The revised report opines that Sammons and Ferguson are associated with no "single" or "paramount" achievement personal to them. They are faulted to having failed to win any contemporaneous awards or prizes. The architecture of the Sammons home is written off as lacking in the "Italianate" characteristics of other previously recognized historic houses. Each of these observations reveals a failure of imagination as well as historical competence. There are few self-respecting professional historians at work today who, asked to identify significant individuals in the past, would ask whether those individuals were given an award in their own time. This is doubly true in the case of nineteenth-



century African-Americans, who were more concerned to avoid banishment, marginalization, or lynching (depending on the specific time period at issue) than to collect awards from governmental or private entities that did not identify persons of color as capable of the same achievements as persons of other "races." The narrow-minded preoccupation with "singular" or "paramount" achievements suffers from a similar sort of old-fashioned, defunct historical consciousness: it is a throwback to the days of "great man" history that has consigned so many lives of historical significance to the shadows of public understanding and appreciation. Let us not build up these exclusionary walls anew—but perhaps that is the Commonwealth's intent with this review process?

In much the same manner as anthropologists have refuted racist judgments about the cultures, minds, and biology of "Others," the historical significance of 19<sup>th</sup> century persons of color like Jesse Scott Sammons must be measured in terms of the context in which he and other leaders of his community lived. In other words, this significance is not in terms of whether the family had the means to put an "Italianate" gloss on their home. That context includes a history of racial discrimination and marginalization. It also includes local, national, and international assertions of the moral and biopsychological "incapacity" of persons of color (and especially persons of African descent) to embrace democracy, discipline, and self-governance. Such a context also includes an increasingly restrictive legal racialization of persons of color that produced a society in "white" and "black" from one formerly more nuanced about these so-called racial differences. The revised CRI report barely nods to this history, but the conceptual underpinnings of that report (which have no grounding in the NRHP criteria, moreover) seem oblivious to this reality.

#### **It is Time to Discard the Canard that Cemeteries Do Not Normally Qualify**

Both in its original report and in the revised report (and in the correspondence that I have received from VDHR's FHWA reviewer, Marc Holma), CRI insists that per the NRHP criteria cemeteries do not normally qualify for the Register of Historic Places. Yet, there are now over 1,000 cemeteries on the National Register. Given this reality, it is a fiction at best, and a willful attempt to mislead at worst, to say that the Sammons cemetery must meet some "special" burden associated with cemeteries. The real question is how many African American (as well as Native American and triracial burial sites) in Albemarle County, Charlottesville, and Virginia have been recognized. The answer is: very few. Why is that?

#### **Conflicts of Interest and Rush to Build**

VDOT has proceeded throughout this entire process as if the hiring of CRI serves as a source of scholarly objectivity in a situation otherwise riddled with conflicts of interest. The truth is that CRI has, from the beginning, demonstrated a determination to arrive at the result that VDOT seeks in this instance. Why is the agency, whose interests run so directly contrary to a finding of national historical status for the Sammons cemetery and homestead, in charge of the process that would result in such a finding? Why, furthermore, should an agency with such apparently limited expertise in the



archeology of properties that once belonged to persons of color to have any role whatsoever in determining the boundaries of our family's ancestral cemetery? (Were they, perhaps, the lowest bidder for the contract?) The situation is inherently problematic. It is true that VDOT now states its intention to avoid the cemetery, but absent a legally binding agreement to that effect (which can only happen with a revision and updating of the 1992 Memorandum of Agreement governing the Route 29 Bypass Section 106 review process), we have only VDOT's word to this effect. Past actions on VDOT's part caution that its word cannot be taken at face value: VDOT representatives have repeatedly demonstrated a lack of transparency, a disregard for the family members' efforts to seek answers to requests for information, and a denial that best practices are warranted in evaluating the Sammons properties.

In sum, such positions repeatedly demonstrate disrespect for the living and the dead persons embroiled in what ordinarily should be a private family matter. VDOT representatives have communicated to the family in terms that essentially reaffirm the Commonwealth's ownership of the cemetery (and by extension, the bodies of our dead, almost as if these once free people of color have now been (re)enslaved on a plantation), and in terms that effectively block our efforts to research and maintain the cemetery in a manner of our choosing. Although there have been a few details provided to explain what would actually be entailed for the cemetery to be avoided, the agency declines to indicate whether it will preserve the Sammons home, which I infer means the house is destined for destruction.

Moreover, VDOT continues to proceed with its plans for laying the Route 29 Bypass adjacent to the cemetery even though the issue of historic status for the cemetery and home has not yet been decided. If a historic designation would make no difference to the agency's ability to build immediately adjacent to a site designated for the National Register, what is the point of going through this process?

### **Disparate Treatment of European- and African-American Historic Preservation**

Virginia has come a very long way since the days of slavery and segregation, but the insidious presence of that past continues to leave traces, even on such questions as how the state supports (or fails to support) historic preservation of its European-American versus African-American legacies (not to mention the heritage of persons of Native American descent). A cursory glance through the Virginia statute books reveals that the state, to this day and as a matter of state law, continues to fund organizations like the United Daughters of the Confederacy (apparently through the vehicle of VDHR, see [http://www.dhr.virginia.gov/homepage\\_general/faq\\_cem\\_presv.htm#R](http://www.dhr.virginia.gov/homepage_general/faq_cem_presv.htm#R)) whose sole mission is to care for and preserve the cemeteries of Confederate soldiers. The relevant Confederate memorial associations are listed at §10.1-2211 of the Virginia Code ("Disbursement of funds appropriated for caring for Confederate cemeteries and graves"). Now, this may well be a legitimate and even appropriate function for the state; those who died on behalf of the Old Dominion in the Civil War made a genuine and tremendous personal sacrifice, even if it was a sacrifice made on behalf of a dubious or morally repugnant cause. But where is the law that would provide similar support for the

upkeep of the graves and cemeteries of the former slaves of Virginia and their descendants? Did these people not make tremendous and genuine personal sacrifices for the Old Dominion? Were they not deprived of the chance to lead autonomous, flourishing and full lives by a slave society that systematically squandered and destroyed their talents?

As I reflect upon the contributions of my ancestors to build, manage, and sustain Thomas Jefferson's Monticello—a property that is now privately owned and protected as a UNESCO World Heritage Site—the fact that the home, land, and final resting place of the Sammons descendants of these same Hemingses have so little regard in Virginia is ironic and disheartening. The state of Maryland, in contrast, provides support for the preservation of African-American heritage (see [http://mht.maryland.gov/grants\\_africanamerican.html](http://mht.maryland.gov/grants_africanamerican.html)). Perhaps Virginia will one day follow Maryland's lead. In the meantime, is it not reasonable to wonder why the Commonwealth's agencies (and the for-profit companies that are under contract to those agencies) persist in a course of conduct that results in the continued marginalization, if not effacement, of Virginia's significant African-American history?

I implore the Advisory Council on Historic Preservation to intercede in the matter and request that the Keeper of the NRHP become involved before it is too late. Thank you for your consideration.

Please do not hesitate to contact me if there are any questions. I can best be reached by email at [ejames@mit.edu](mailto:ejames@mit.edu).

Sincerely,



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